

ARTICLE APPEARED
ON PAGE A-17NEW YORK TIMES
1 AUGUST 1979

Judge Restricts Mail Surveillance

STAT

NEWARK, July 31 (UPI) — A Federal district judge said today that the Postal Service could not continue to record the names and return addresses on letters sent to groups under national security investigations until new rules on such "mail covers" were completed.

The opinion filed by Judge Lawrence A. Whipple grants a permanent injunction against the issuance of new mail covers.

Charles Braun, the Washington counsel for the Postal Service, said he did not know when new regulations on the practice would be finished. A preliminary proposal was issued in April, he said, and public comment has been received since then. He said the Postal Service would study the opinion and make its decision on completing the regulations.

The opinion is expected to become an order in three to four days, according to a clerk for the judge.

'Overzealous' Officials Cited

Last November, Judge Whipple ruled that the term "national security" was "vague and overbroad," and he outlawed the use of mail covers for national security. The practice, when unrelated to a specific criminal investigation, was subject to abuse by "overzealous" Federal officials, he said at the time.

The controversy over mail covers began seven years ago. Lori Paton, a

New Jersey high school student, became the target of an F.B.I. investigation when her letter to the Socialist Workers Party, as part of a class assignment, was intercepted in a mail cover. Miss Paton, now 23 years old, filed suit against the Government.

In early July, a Justice Department lawyer told the judge that the F.B.I. and the Postal Service were still conducting mail covers in foreign counterintelligence investigations "to keep track of hostile forces" operating in the United States.

In papers filed later, Attorney General Griffin B. Bell defended the practice, saying that disclosure of the "subjects and purposes of the mail covers would reveal, and thus prejudice, current and continuing foreign counterintelligence investigations."